

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL FRUGE,

Plaintiff,

VS.

WESTLAKE CHEMICAL CORP.,

Defendant.

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CIVIL ACTION NO. 4:15-cv-03734

**DEFENDANT’S UNOPPOSED MOTION TO CONTINUE
INITIAL PRETRIAL AND SCHEDULING CONFERENCE**

Defendant Westlake Chemical Corp. (“Westlake”) files this Unopposed Motion to Continue Initial Pretrial and Scheduling Conference currently scheduled in this matter for March 18, 2016 at 9:00 a.m. Plaintiff Michael Fruge (“Fruge”) did not serve Westlake until Friday, March 11, 2016. Continuing the initial conference would allow Westlake to file a responsive pleading, allow the parties to satisfy their Federal Rule of Civil Procedure Rule 26(f) obligations, and result in a more productive initial conference.

1. On December 28, 2015, Fruge filed his Complaint against Westlake in this lawsuit. (Doc. 1.) On December 29, 2015, the Court issued to Fruge summons as to Westlake.

2. On December 29, 2015, the Court entered an Order for an Initial Pretrial and Scheduling Conference scheduled for March 18, 2016 at 9:00 a.m. (Doc. 2.) The Order requires the parties to file their joint discovery/case management plan 10 days before the initial conference.

3. Fruge did not serve Westlake until Friday, March 11, 2016.

4. Accordingly, Westlake has not yet filed a responsive pleading in this lawsuit, and its deadline to do so is not until April 1, 2016. In addition, the parties have not had an opportunity to confer as required under Rule 26(f) and prepare and file a joint discovery/case management plan.

5. Westlake desires to make the best use of the Court's time during the initial conference. Therefore, Westlake asks that the Court continue the initial conference to a date that would allow Westlake time to file a responsive pleading and give the parties an opportunity to satisfy their Rule 26(f) obligations and subject a joint discovery/case management plan in advance of the initial conference.

Dated: March 14, 2016

Respectfully submitted,

SHIPLEY SNELL MONTGOMERY LLP

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ATTORNEY IN CHARGE FOR
DEFENDANT WESTLAKE CHEMICAL
CORP.

CERTIFICATE OF CONFERENCE

I hereby certify that on March 14, 2016 counsel for Westlake Chemical Corp. conferred with counsel for Michael Fruge, and counsel for Fruge confirmed that he is not opposed to the relief sought in this Motion.

/s/ Scott M. Kelly

Scott M. Kelly

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that counsel of record, who are deemed to have consented to electronic service in the above-referenced case, are being served this 14th day of March, 2016 with a copy of the above document via the court's CM/ECF System per Local Rule 5.1.

/s/ Scott M. Kelly

Scott M. Kelly